

5000 PCT/FTO 14 APR 2005

FORM PTO-1390
(REV 10-94)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

12684.0018USWO

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

Unknown

10/575933

| | | |
|-------------------------------|---------------------------|-----------------------|
| INTERNATIONAL APPLICATION NO. | INTERNATIONAL FILING DATE | PRIORITY DATE CLAIMED |
| PCT/EP2004/010140 | 09/10/2004 | 10/16/2003 |

TITLE OF INVENTION

INHALATION THERAPY DEVICE WITH A NOZZLE NEBULISER

APPLICANT(S) FOR DO/EO/US

KREUTZMANN et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(l).
4. A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. has been transmitted by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US)
6. A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. have been transmitted by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An unsigned oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. A **FIRST** preliminary amendment.
 A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. A substitute specification.
15. A change of power of attorney and/or address letter.
16. Other items or information: International Publication Application WO 2005/042075 A1, Application Data Sheet, Formal Drawings (3 Sheets), Preliminary Amendment, Form PCT/ISA/210, Form PCT/ISA/220, Form PCT/ISA/237, Form PCT/IB/301, Form PCT/IB/304, Form PCT/IB/308

| | | | | | |
|--|--------------|---|--|---------------------------|--------|
| U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) | | INTERNATIONAL APPLICATION NO. | | ATTORNEY'S DOCKET NUMBER | |
| Unknown 10/575933 | | PCT/EP2004/010140 | | 12684.0018USWO | |
| BASIC NATIONAL FEE (37 CFR 1.492(a) (1)-(5)): | | | | | |
| [X] a) Basic National fee..... | | | \$300.00 | | |
| [X] b) Examination fee..... | | | \$200.00 | | |
| [X] c) Search fee..... | | | \$500.00 | | |
| TOTAL OF ABOVE CALCULATIONS = \$1000.00 | | | | | |
| Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | | | | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | | Rate | |
| 17 - 100 = 0 | /50 = | | | X \$250.00 | \$0.00 |
| Surcharge of \$130.00 for furnishing the oath or declaration later than [] 20 [] 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | | | | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
| Total claims | 12 -20 = 0 | | X \$50.00 | \$0.00 | |
| Independent claims | 2 -3 = 0 | | X \$200.00 | \$0.00 | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + \$360.00 | \$0.00 | |
| TOTAL OF ABOVE CALCULATIONS = \$1000.00 | | | | | |
| Reduction by 1/2 for filing by small entity, if applicable. Small entity status is claimed pursuant to 37 CFR 1.27 | | | | | |
| SUBTOTAL = \$1000.00 | | | | | |
| Processing fee of \$130.00 for furnishing the English translation later than [] 20 [] 30 months from the earliest claimed priority date (37 CFR 1.492(f)). + \$0.00 | | | | | |
| TOTAL NATIONAL FEE = \$1000.00 | | | | | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + \$1000.00 | | | | | |
| TOTAL FEES ENCLOSED = \$1000.00 | | | | | |
| | | | | Amount to be: refunded | \$0.00 |
| | | | | charged | \$0.00 |
| <p>a. <input checked="" type="checkbox"/> Check(s) in the amount of <u>\$1000.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>13-2725</u>.</p> | | | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status. | | | | | |
| SEND ALL CORRESPONDENCE TO: Gregory A. Sebald MERCHANT & GOULD P.O. Box 2903 Minneapolis, MN 55402-0903 | | | SIGNATURE:  NAME: Gregory A. Sebald REGISTRATION NUMBER: 33,280 | | |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IAP15 Rec'd PCT/PTO 14 APR 2006

Applicant: KREUTZMANN et al.

Docket: 12684.0018USWO

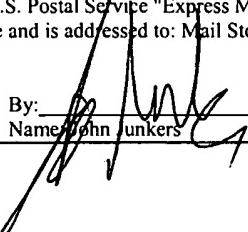
Title: INHALATION THERAPY DEVICE WITH A NOZZLE NEBULISER

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 628409012 US

Date of Deposit: 14 April 2006

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop: PCT, Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450.

By: 
Name: John Junkers

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

We are transmitting herewith the attached:

- Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.10.
- National Stage PCT /EP2004/010140 Patent Application: Spec. 10 pgs; 12 claims; Abstract 1 pgs.
The fee has been calculated as shown below in the 'Claims as Filed' table.
- Form 1390
- 3 sheets of formal drawings
- An unsigned Combined Declaration and Power of Attorney
- A check in the amount of \$1000.00 to cover the Filing Fee
- Application Data Sheet, 5 pages.
- Other: International Publication Application WO 2005/042075 A1, Preliminary Amendment, Form PCT/ISA/210, Form PCT/ISA/220, Form PCT/ISA/237, Form PCT/IB/301, Form PCT/IB/304, Form PCT/IB/308
- Return postcard

CLAIMS AS FILED

| Number of Claims Filed | No. | In Excess of | Extra | Rate | = | Fee |
|-------------------------------|-----|--------------|-------|--------|---|---------|
| Total Claims | 12 | 20 | 0 | 50.00 | = | 0.00 |
| Independent Claims | 2 | 3 | 0 | 200.00 | = | 0.00 |
| Multiple Dependent Claims Fee | | | | | = | 0.00 |
| Basic Filing Fee | | | | | = | 300.00 |
| Search Fee | | | | | = | 500.00 |
| Examination Fee | | | | | = | 200.00 |
| Utility Application Size Fee | 17 | 100 | 0 | 250.00 | = | 0.00 |
| Total | | | | | = | 1000.00 |

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.
P.O. Box 2903 Minneapolis, MN 55402-0903
612.332.5300

By: 
Name: Gregory A. Sebald
Reg. No.: 33,280
Initials: GAS/cjc

23552

PATENT TRADEMARK OFFICE

(PTO TRANSMITTAL - NEW FILING)